

THE FOLLOWING GREENWOOD COMMON COUNCIL ORDINANCE WILL BE INTRODUCED AT THE JULY 5, 2006, MEETING, WITH FIRST READING AT THE SEPTEMBER 6, 2006, MEETING, AND SECOND READING AT THE OCTOBER 16, 2006, MEETING. **PLEASE NOTE THIS ORDINANCE IS SUBJECT TO AMENDMENTS BY THE COMMON COUNCIL.** IF YOU WISH TO SEE THE ADOPTED ORDINANCE PLEASE CONTACT THE CLERK-TREASURER OFFICE AT (317) 888-2100 OR VIA E-MAIL AT CLERK@GREENWOOD.IN.GOV FOR AN EXECUTED COPY AFTER THE SECOND READING.

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 06-22

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE CITY OF GREENWOOD, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE CITY OF GREENWOOD AND REDEFINING THE CORPORATE BOUNDARIES OF THE CITY OF GREENWOOD, INDIANA, APPROXIMATELY 2.523 ACRES LOCATED AT 3209 WEST SMITH VALLEY ROAD, COMMONLY KNOWN AS THE TAYLOR PROPERTY

WHEREAS, the Greenwood Plan Commission conducted a public hearing on the voluntary petition for annexation of approximately 2.523 acres of land located at 3209 W. Smith Valley Road; and

WHEREAS, the Greenwood Plan Commission has given a **favorable recommendation** (8 - 0) regarding said annexation petition; and

WHEREAS, in connection with I.C. 36-4-3-3.1, I.C. 36-4-3-13 and Greenwood Common Council Resolution No. 86-2, as amended, a written fiscal plan has been prepared by the City's Director of Planning, Zoning, Research and Development for said annexation; and

WHEREAS, this parcel is zoned R-4 – Residential use under the Johnson County Zoning Ordinance and petitioner requests it to be zoned B-1 Business – Professional and Office use upon annexation; and

WHEREAS, the Commission requested, and the Owner agreed to, the following commitments:

1. The proposed building on this site shall not exceed thirty five (35) feet in height.
2. The final landscape plan shall be subject to the approval of the Director of Planning, Zoning, and Economic Development, City of Greenwood.
3. The existing privacy fence along the south property line shall be maintained or replaced with heavy landscaping to properly buffer the residentially zoned property to the south. A new privacy fence or heavy landscaping to properly buffer the residentially zoned property to the west shall be erected or installed. The privacy fence along the east property line maybe replaced with dense landscaping or supplemented with dense landscaping. All of these improvements shall be subject to the final approval of the Director of Planning and Zoning, and Economic Development, City of Greenwood.
4. Light shields shall be installed on any free standing exterior lighting in the parking lot or surrounding the property so as not to permit light from projecting onto any adjoining properties.

5. No free standing signs shall be erected on the property. Any signs identifying the name of the building shall be erected as a non illuminated wall sign on the building.
6. Connect into the existing sanitary sewer, City of Greenwood within sixty (60) days of final zoning approval.
7. Dedicate additional right of way for Smith Valley Road per the requirements of the Official Thoroughfare Plan, City of Greenwood.
8. If at any future date, the property to the immediate west is annexed into the City of Greenwood, the petitioner commits to offering access to that subject property through the parking area of the property which is the subject of this annexation request.
9. Final elevations and building materials shall be subject to final approval of the Director of Planning and Zoning, and Economic Development, City of Greenwood.
10. As part of the site development plan, the owner shall provide an ingress/egress easement to connect its driveway (that aligns with Restin Road) to the northwestern corner of the Home Depot lot so to accommodate a future shared driveway (thereby enhancing public safety).
11. The building constructed on the premises shall substantially comply with the architectural renderings/elevations submitted at the June 26, 2006 public meeting.

; and

WHEREAS, the area to be voluntarily annexed into the City includes a portion of or is contiguous to certain portions of the roadway(s) known as West Smith Valley Road; and

WHEREAS, the Greenwood Common Council conducted a public hearing concerning the passage of this annexation ordinance prior to its adoption,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. In accordance with IC 36-4-3-1 et seq. which authorizes the Common Council to declare and define the corporate boundaries of the City of Greenwood, Indiana, said corporate boundaries are hereby extended so as to include the following property commonly known as the Taylor property, Greenwood, Indiana, and generally located at 3209 W. Smith Valley Road, which falls within the following described boundaries, and the real estate located within said boundaries is hereby annexed to and made a part of said City:

ANNEXATION LEGAL DESCRIPTION

Tract 1: Part of the Northwest Quarter of the Northeast Quarter of Section 2, Township 13 North, Range 3 East of the Second Principal Meridian, Described as follows, to wit:

Beginning on the East Line of said quarter quarter section at a point 268.06 feet south of the Northeast corner thereof: Thence South on and along said East line 408.44 feet; Thence West parallel to the North line of said quarter quarter section 162.523 feet; thence North parallel to the East line of said quarter quarter section 408.44 feet; thence East 162.50 feet to the Place of Beginning, containing 1.523 acres, more or less.

Tract 2: Part of the Northwest quarter of the Northeast quarter of Section 2, Township 13 North, Range 3 East, described as follows, to wit: Beginning at the Northeast corner thereof; thence South 268.06 feet; thence West 162.50 feet; thence North 268.06 feet; thence East 162.50 feet to the Place of Beginning, containing (1) one acre, more or less.

Section 2. The real estate shall be developed and used in conformance with the commitments set forth in the fifth "Whereas clause" above.

Section 3. The territory annexed by this Ordinance is hereby assigned to the Greenwood Common Council District Five (5).

Section 4. The official zoning map referred to in the Greenwood Zoning Ordinance No. 82-1, as amended, shall reflect and the Greenwood Common Council states that upon the effective date of this annexation ordinance, the property within the above described annexation area is hereby zoned as B-1 Business – Professional and Office use.

Section 5. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed by the Common Council of the City of Greenwood, Indiana, this _____ day of _____, 20____.

Ronald Bates, President
Greenwood Common Council

FOR:

AGAINST:

ATTEST:

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 20____, is presented by me this _____ day of _____, 20____, at _____ O’Clock __.M., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 20____, is signed and approved by me this ____ day of _____, 20____, at _____ O’Clock ____M.

CHARLES E. HENDERSON, Mayor of
the City of Greenwood, Indiana